



AHTANUM IRRIGATION DISTRICT

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October 18, 2001

STATE OF WASHINGTON

Department of Fish and Wildlife

Attention: Jeff Tayer, Regional Director

1701 South 24th Avenue

Yakima, Washington 98902-5720

Dear Mr. Tayer,

We have been involved in improving fish passage conditions in Ahtanum Creek through the Fish Passage Technical Work Group (Passage TWG) forum for many years. The participation of all entities involved has led to the screening of diversions and the improvement of passage at diversion dams. In addition, we have been active in developing plans and proposals for implementing a comprehensive fish passage program for the tributaries to the Yakima River - tributaries and diversions left out of current fish passage programs. The proposal we helped develop is currently undergoing NPPC/BPA review. The bottom line is, the activities of the Passage TWG in the Yakima Basin has created some of the finest fish passage facilities in the Northwest - but the work is not yet complete - and irrigators alone are unable to bear all of the costs associated with these complex facilities.

Recently, we attended a meeting of the Passage TWG held at Bureau of Reclamation offices in Yakima. At the meeting, Captain Mike Bireley, WDFW Enforcement Officer, described the success the "Cooperative Compliance" program for fish passage has achieved in the Walla Walla Basin. As explained, the program would offer shelter from state enforcement actions for irrigators who may be out of compliance with current fish passage regulations, but who sign up for the program as willing participants. Capt. Bireley explained that the WDFW has plans to introduce this important program to Kittitas County, located in the Yakima River Basin.

We are deeply concerned that the Cooperative Compliance program will only be available to a limited area of the Yakima Basin. Clearly, we have been willing participants in fish passage programs for many years. Why should one portion of the Yakima Basin be included in a program offering legal protection to irrigators, while excluding irrigators from other portions of the Yakima Basin? We believe this program should be extended to

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include all tributaries in the Yakima watershed, including Ahtanum Creek, and not just those in Kittitas County. We urge you to help develop a comprehensive, basin-wide solution to fish passage problems.

Thank you for considering our comments. We look forward to your response.

Sincerely,

AHTANUM IRRIGATION DISTRICT


Sam N. Hull
President

cc: Dr. Jeff Koenings, Director, WDFW
Capt. Mike Bireley, Enforcement Officer, WDFW
Carol Ready, M.S., Water Quality Specialist, KCWP